

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

(1) ULISES RENE RODRIGUEZ-HERNANDEZ)
 GAMBOA, and)
(2) JANER PEREZ-CARRASCO,)
)
 Plaintiffs,)
and)
)
(1) COMPSOURCE MUTUAL)
 INSURANCE COMPANY,)
)
 Intervenor,)
)
v.)
)
(1) HEARTLAND EXPRESS, INC.,)
)
 Defendant.)

Case No. 21-cv-00015-CVE-CDL

DEFENDANT HEARTLAND EXPRESS, INC.’S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Heartland Express, Inc. (“Heartland”) hereby files its Notice of Removal of this case from the District Court of Tulsa County, State of Oklahoma, to this Court. In support of removal, Heartland states the following:

1. On July 2, 2020 Plaintiffs Ulises Rene Rodriguez-Hernandez Gamboa and Janer Perez-Carrasco (“Plaintiffs”) filed a Petition in the District Court of Tulsa County, State of Oklahoma, styled *Ulises Rene Rodriguez-Hernandez Gamboa and Janer Perez-Carrasco, Plaintiffs v. Heartland Express, Defendant*, Case Number CJ-2020-2077 (“State Court Action”). (See State Court Petition, **Exhibit 1**)

2. Intervenor CompSource Mutual Insurance Company (“CompSource”) filed its Motion to Intervene (**Ex. 2**) in the State Court action on October 28, 2020. An Agreed Order Granting Motion to Intervene (**Ex. 3**) was filed on December 10, 2020, and CompSource filed its Petition in Intervention (**Ex. 4**) on December 10, 2020 as well.

3. Plaintiffs served process of the Petition in the State Court Action upon Defendant Heartland Express, Inc. on or about January 4, 2021.

4. In their Petition, Plaintiffs seek judgment in their favor against Defendant Heartland Express and individually to be awarded a sum exceeding \$75,000.00 for damages. (**Ex. 1**)

5. In its Petition in Intervention, Intervenor CompSource Mutual Insurance Company seeks recovery in the amount of \$75,227.49. (¶ 6, **Ex. 4**)

6. Plaintiffs are each citizens of the State of Oklahoma. (¶ 1, **Ex. 1**)

7. Intervenor CompSource Mutual Insurance Company is an Oklahoma corporation.¹

8. Defendant Heartland Express, Inc. is an Iowa corporation. (¶ 2, **Ex. 1**)

9. Because the amounts in controversy in this action exceed \$75,000.00 as to each Plaintiff individually and as to Intervenor CompSource, and diversity exists between

¹ In *Drillers Engine & Supply, Inc. v. Burckhalter*, 327 F.Supp. 648, 649 (W.D. Okla. 1971), the Western District of Oklahoma ruled intervention of a statutory lienholder to recover on its lien will not destroy diversity. In *Drillers*, the intervenor and the defendant were both citizens of Texas, yet the ancillary nature of the lienholder’s claim did not destroy diversity. In this case, Intervenor CompSource is a citizen of Oklahoma and Defendant Heartland is a citizen of Iowa, further preserving diversity.

the adverse parties, this case is properly removed within the applicable time constraints pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

10. The United States District Court for the Northern District of Oklahoma is the appropriate court for filing the instant Notice of Removal, as it embraces the District Court of Tulsa County, State of Oklahoma, where the State Court Action is currently pending.

11. Upon receiving the federally-filed Notice of Removal, Defendant will file a copy of the Notice of Removal with the District Court of Tulsa County, State of Oklahoma, under the Case No. CJ-2020-2077, as well as provide written notice of the filing of the removal to Plaintiffs' counsel and to Plaintiff-Intervenor's counsel, in accordance with 28 U.S.C. § 1446(d).

12. Pursuant to 28 U.S.C. § 1446 and LCvR 81.2(a), a copy of the docket sheet and copies of the documents filed and/or served in the State Court Action are attached hereto. (*See*, State Court Petition, **Ex. 1**; CompSource Mutual Insurance Company's Motion to Intervene, **Ex. 2**; Agreed Order Granting Motion to Intervene, **Ex. 3**; Petition in Intervention, **Ex. 4**; State Court Docket Sheet, **Ex. 5**.)

13. Under the provisions of 28 U.S.C. § 1332, 1441, and 1446 and all other applicable statutes with which Defendant Heartland Express, Inc., herein has fully complied, this cause of action is removable to the United States District Court for the Northern District of Oklahoma.

Respectfully submitted,

s/Derek Cowan

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ATTORNEYS FOR DEFENDANT

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CERTIFICATE OF SERVICE

This is to certify that on the 5th day of January, 2021, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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s/Derek Cowan